

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**December 16, 1999**

## DIVISION THREE

B119872 People (Not for Publication)  
v.  
Quintanilla

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.  
Schneider, J. (Assigned)

B125828 People (Not for Publication)  
v.  
Wallace et al.

The judgments are affirmed.

Klein, P.J.

We concur: Aldrich, J.  
Schneider, J. (Assigned)

B130030 People (Not for Publication)  
v.  
Andre W.

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.  
Croskey, J.

December 16, 1999-Continued

### DIVISION THREE (Continued)

B127564 Mary Ma (Not for Publication)  
v.  
Xin Zhang

The judgment is affirmed. Each party to bear their own costs.

Croskey, J.

We concur: Klein, P.J.  
Schneider, J. (Assigned)

DIVISION FOUR

Court convened at 9:00 a.m.

Present: Vogel (C.S.), P.J., Epstein, J., Hastings, J., Curry, J., Dau, J. (Assigned) and V. Guzman, Deputy Clerk.

B127273      People  
v.  
Iraheta

Merits:  
Argued by Kenneth F. Weston for appellant and by Russell A. Lehman, deputy attorney general, for respondent. Cause submitted.

B122957      Sass  
v.  
Spacecam Systems, Inc., et al.

Merits:  
Argued by Richard P. Louis for appellant and by Jonathan D. Fink for respondents. Cause submitted.

DIVISION FOUR (Continued)

B125826     People  
              v.  
              Crayton

Merits:  
Argued by Gregory R. Ellis for appellant and by Jaime L. Fuster, deputy attorney general, for respondent. Cause submitted.

B134338     Korean Philadelphia Presbyterian Church et al.  
              v.  
              California Presbyterian et al.

Merits:  
Argued by Joseph G. McGuinness for appellants and by Alfred A. Calabro for respondents. Cause submitted.

B125224     Damberger  
              v.  
              Kaiser Foundation Hospitals

Merits:  
Argued by William D. Evans for appellant and by Mary E. Wright for respondent. Cause submitted.

B125046     Jones  
              v.  
              Checker Cab Company

Merits:  
Argued by Larry D. Lewellyn for appellant and by Kim D. Blanchard for respondent. Cause submitted.

DIVISION FOUR (Continued)

B128654     Nickel  
              v.  
              Kramer Motors, Inc.

Merits:  
Argued by Ian Herzog for appellant. Forrest R. Cogswell and Mark W. Eisenberg appeared for respondents and waived argument. Cause submitted.

Court recessed.

Court reconvened at 1:30 p.m.

Present: Vogel (C.S.), P.J., Epstein, J., Hastings, J., Curry, J., Dau, J. (Assigned) and V. Guzman, Deputy Clerk.

B127304     Rio Vista South Homeowners Assn.  
              v.  
              McCarroll Construction Company et al.

Merits:  
Argued by David C. Grant for appellant and by Mitchel J. Ezer for respondents. Cause submitted.

B125814     Foutch  
              v.  
              Watters

Merits:  
Argued by Wendy S. Albers for appellants and by Mayer Lifschitz for respondent. Cause submitted.

DIVISION FOUR (Continued)

B128332     Gervais  
              v.  
              Super "A" Foods et al.

Merits:  
Argued by Aaron P. Morris for appellant and by Michael J. Procopio for respondents. Cause submitted.

B131702     People  
              v.  
              Avidano

Merits:  
Argued by Stanley Greenberg for appellant and by David A. Wildman, deputy attorney general, for respondent. Cause submitted.

B123097     Preach  
              v.  
              Butcher

Merits:  
Argued by Roy G. Weatherup for appellant and by Roger B. Coven for respondent. Cause submitted.

B126803     Zhou  
              v.  
              Chien

Merits:  
Argued by Scott Seiden for appellant and there being no appearance for respondent. Cause submitted.

DIVISION FOUR (Continued)

Each of the following:

B124399 People v. Delatorre and Perez  
B127315 People v. Hanna  
B128124 People v. Morales  
B126339 People v. Carrasco  
B130686 People v. Colon  
B124839 People v. Howard  
B127572 People v. Smith  
B135353 Judith C. v. S.C.L.A. (D.C.F.S.)  
B127421 Estate of Helm v. Ludford

Argument waived, cause submitted.

Court Adjourned.

B129662      People                          (Not for Publication)  
v.  
Long

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

B134698      Parketta G.      (Not for Publication)  
v.  
S.C.L.A.  
D.C.F.S.

The petition for writ of mandate is denied.

Epstein, J.

We concur: Vogel (C.S.), P.J.  
Curry, J.

DIVISION FOUR (Continued)

B134433      In Re DeLaRosa, Jr.      (Not for Publication)  
                 on  
                 Habeas Corpus

The petition for writ of habeas corpus is granted. Respondent court is directed to modify that portion of its July 29, 1999 order granting probation that provides that probation shall terminate in five years from that date, and substitute a new provision that, unless earlier revoked for cause or reduced on proper application, the period of probation shall extend to and including April 4, 2003 and not beyond that date.

Epstein, J.

We concur: Vogel (C.S.), P.J.  
                 Curry, J.

B129795      Siembab      (Not for Publication)  
                 v.  
                 City of El Monte Redevelopment Agency

The judgment of dismissal is reversed. Appellant is to have his costs on appeal.

Epstein, Acting P.J.

We concur: Curry, J.  
                 Dau, J. (Assigned)

DIVISION FIVE

B123042      People  
                 v.  
                 Donnell Smith and Darrel Charles

Filed order denying petition for rehearing.

DIVISION SIX

B131574      San Luis Obispo County DPSS      (Not for Publication)

v.

Joann N.

In re Lacey N., et al., Minors

The judgment (order terminating parental rights) is affirmed.

Yegan, J.

We concur:   Gilbert, P.J.  
                     Coffee, J.

B125256      People      (Not for Publication)

v.

Schaffer

The insanity determination is reversed and the matter remanded for further proceedings as directed.

Gilbert, P.J.

We concur:   Yegan, J.  
                     Coffee, J.

B133134      People      (Not for Publication)

B133137      v.

Dalton

The trial court is directed to impose a \$100 lab analysis fee (Health & Saf. Code, section 11372.5), a \$50 state penalty assessment (section 1464), and a \$35 penalty assessment payable to the county (Gov. Code, section 76000). The trial court is further directed to issue an amended abstract of judgment reflecting the lab fee and penalty assessments. As modified, the judgment is affirmed.

Yegan, Acting P.J.

We concur:   Coffee, J.  
                     Abbe, J. (Assigned)



December 16, 1999-Continued

## DIVISION SIX (Continued)

B134497      People  
v.  
Gomez

(Not for Publication)

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.  
Coffee, J.

[illegible]

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.  
Yegan, J.

B130539 People (Not for Publication)  
v.  
Chandler

The judgment is affirmed.

Perren, J.

We concur:    Gilbert, P.J.  
                         Coffee, J.

B130896      Lewis  
v.  
D.M.V.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

December 16, 1999-Continued

## DIVISION SIX (Continued)

[illegible]

The judgment is affirmed.

Yegan, J.

We concur:   Gilbert, P.J.  
                      Coffee, J.

B129147 People (Not for Publication)  
v.  
Whiting

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.  
Coffee, J.

B131198 People (Not for Publication)  
v.  
Hanson

Although the trial court imposed a \$1,200 restitution fine pursuant to section 1202.4, subdivision (b), and a suspended \$1,200 parole revocation restitution fine pursuant to sections 1202.45, the abstract of judgment does not so state. The trial court shall amend the abstract of judgment to reflect these fines and forward a copy of the amended abstract of judgment to the Department of Corrections. The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.  
Coffee, J.

December 16, 1999-Continued

## DIVISION SIX (Continued)

B123989      Brockman                      (Not for Publication)  
v.  
Kaye

The post-judgment order is reversed. The parties shall bear their own costs on appeal.

Gilbert, P.J.

We concur: Yegan, J.  
Coffee, J.

B129358	Point Mugu Federal Credit Union v. Cornish Estate of Henry Paul Cornish	(Not for Publication)
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We uphold the order denying the petition to convey the real property of the decedent to PMFCU. Costs are awarded to respondents.

Gilbert, P.J.

We concur: Yegan, J.  
Coffee, J.